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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

WILLIAM A. MUNDELL

Chairman

JIM IRVIN

Commissioner

MARC SPITZER

Commissioner

DOCKETED

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IN THE MATTER OF THE APPLICATION)
 OF QWEST CORPORATION F/K/A U S WEST)
 COMMUNICATIONS, INC., FOR APPROVAL)
 OF AGREEMENT FOR LOCAL WIRELINE)
 NETWORK INTERCONNECTION AND)
 SERVICE RESALE AGREEMENT WITH)
 INTERNET COMMERCE AND)
 COMMUNICATIONS)

DOCKET NO. T-01051B-01-0359

DECISION NO. 63896ORDER

Open Meeting
 July 24 and 25, 2001
 Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On April 30, 2001, Qwest Corporation ("Qwest") f/k/a U S WEST Communications, Inc., filed an application for approval of an Interconnection Agreement between Qwest, and Internet Commerce and Communications ("ICC"). On May 8, 2001, Qwest filed a First Amendment to the Interconnection Agreement between Qwest, and ICC. On May 17, 2001, Qwest filed a Supplement to the Agreement between Qwest, and ICC. The term of the Agreement shall be effective upon Commission approval and remain in effect until a new Agreement becomes effective between the Parties. The Parties shall commence negotiations on a new agreement no later than thirty (30) days prior to the expiration of the term of the Agreement. The Agreement governs the terms and conditions under which Qwest will offer Interconnection and Resale services to ICC.

2. The Telecommunications Act of 1996 ("1996 Act") directed incumbent local exchange carriers to make their networks available for Interconnection and Resale by new entrants to the local exchange market. The 1996 Act provides for Interconnection and Resale agreements to be concluded by voluntary negotiation.

1 3. This Agreement between Qwest and ICC was voluntarily negotiated, without resort
2 to arbitration.

3 4. Under the terms of the Agreement, Qwest will provide specified local exchange
4 services for Interconnection, Resale, Collocation, and Unbundled Network Elements to ICC.
5 Generally, Qwest services will be made available to ICC for resale at a twelve (12) percent
6 discount for residential customers and an eighteen (18) percent discount for business customers.
7 Unbundled network elements will be made available at the rates contained in the Agreement.
8 Under the terms of the First Amendment, terms and conditions for Unbundled Network Elements
9 are added to allow ICC additional combinations of Unbundled Network Elements. Under the terms
10 of the Supplement to the Agreement, the term of the agreement is altered to reflect a month-to-
11 month expiration period.

12 5. According to the 1996 Act and Commission Rule, the Commission must approve
13 voluntarily negotiated Interconnection and Resale agreements, if their provisions are non-
14 discriminatory and in the public interest.

15 6. Staff has reviewed the Agreement and finds it to be non-discriminatory and in the
16 public interest. Qwest is offering the same terms and conditions of the Agreement to all other
17 interested parties. The Agreement is in the public interest because it will act to further competition
18 in the local exchange market in Arizona.

19 7. Since there are no grounds for rejection of the Agreement and Amendments
20 pursuant to Section 252(e)(2)(A) of the 1996 Act, Staff has recommended that the Commission
21 approve the Resale Agreement between Qwest and ICC.

22 CONCLUSIONS OF LAW

23 1. Qwest is an Arizona public service corporation within the meaning of Article XV,
24 Section 2, of the Arizona Constitution.

25 2. The Commission has jurisdiction over ICC and over the subject matter of the
26 Application.

27 3. The Commission, having reviewed the Application and Staff's Memorandum, has
28 determined that the Resale Agreement negotiated between Qwest and ICC meets the requirements

1 of Section 252(e)(2)(A) of the 1996 Act which governs the approval of voluntarily-negotiated
2 agreements and is in the public interest.

3 4. The Commission maintains jurisdiction over the subject matter of the Agreement
4 and Amendments thereof, to the extent permitted pursuant to the powers granted the Commission
5 by the Arizona Constitution, Statutes, Commission Rule, and the 1996 Act and the Rules
6 promulgated thereunder.

7 ORDER

8 THEREFORE, IT IS ORDERED that the Commission hereby approves the Interconnection
9 Agreement, First Amendment and Supplemental filing to the Agreement between Qwest and ICC
10 filed on April 30, 2001, May 8, 2001, and May 17, 2001, respectively.

11 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

12 **BY ORDER OF THE ARIZONA CORPORATION COMMISSION**

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CHAIRMAN

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COMMISSIONER

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COMMISSIONER

15 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
16 Executive Secretary of the Arizona Corporation
17 Commission, have hereunto, set my hand and caused the
18 official seal of this Commission to be affixed at the Capitol,
19 in the City of Phoenix, this 6th day of August, 2001.

20 
21 BRIAN C. McNEIL
22 Executive Secretary

23 DISSENT: _____

24 DRS:EAA:bsl/MAS
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1 SERVICE LIST FOR: Qwest Corporation and Internet Commerce and Communications

2 DOCKET NO. T-01051B-01-0359

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